

qualities to the real estate market: excellent schools, access to regional employment, a housing inventory comprised mainly of single-family homes, and a price continuum from very high-end to affordable for middle-income homebuyers. Acton's median single-family home sale price is slightly above average the regional average. What can be said for most of these towns is that a majority of their incoming single-family homebuyers are families who have, or will have, school-age children, as the Department of Education recognized in a recent analysis of school enrollment trends (1999).

**Table 1.17: K-12 Foundation Enrollment Growth by Town, 1993-1999**

Town	DOE Category	FY93	FY95	FY97	FY99	% Change	
						FY93-FY99	Annual Average
ACTON	Above Average	3,183	3,373	3,588	3,930	23.5%	3.9%
Bedford	Above Average	1,696	1,773	1,883	2,085	22.9%	3.8%
Boxborough	High	590	743	848	993	68.3%	11.4%
Carlisle	Above Average	752	785	874	935	24.3%	4.1%
Chelmsford	Low	5,299	5,317	5,519	5,644	6.5%	1.1%
Concord	Above Average	2,205	2,275	2,427	2,672	21.2%	3.5%
Lincoln	High Growth	559	564	652	843	50.8%	8.5%
Littleton	High Growth	1,007	1,162	1,262	1,331	32.2%	5.4%
Maynard	Above Average	1,214	1,359	1,454	1,457	20.0%	3.3%
Stow	Above Average	880	954	981	1,069	21.5%	3.6%
Sudbury	High	2,645	2,821	3,164	3,543	34.0%	5.7%
Westford	High	2,993	3,196	3,587	3,962	32.4%	5.4%

*Source: Massachusetts Department of Education (2001).*

The Commonwealth's highest-growth towns lie mainly along I-495 and on Cape Cod and the Islands. Given its Route 2 location near I-495, Acton began to grow rapidly when the regional highway system was completed 40-50 years ago. More than 60% of Acton's housing inventory was built between 1950-1980, a period that produced only 38% of all homes in Massachusetts. When the economy began to recover after the recession of the early 1990s, home prices throughout Acton's area rose very quickly. By 2000, the median single-family home sale price in Acton had increased by 74% in one decade. Moreover, in traditionally affordable towns such as Maynard, the rate of growth in single-family home sale prices accelerated dramatically after 1995.

Today, the land market in all of these towns is dictated by housing demand, yet buildable land is increasingly scarce. The shortage of land stems from several conditions: zoning regulations, natural constraints, infrastructure and wastewater capacity, and the location and amount of existing development. In Acton, most of the available land for future housing development is contained within fairly large parcels that have an existing residence. The relentless demand for homes in Acton and other towns nearby is rooted in population trends that date to the aftermath of World War II. As the youngest of the "Baby Boomers" began to form new households a decade ago, they sought suburban homes: most of them had been raised in the suburbs, and a large percentage of the state's highest-paying jobs are in suburban locations. In Massachusetts, the housing pipeline was not equipped to handle new demand for homes, for the state's 8.7% growth in households (1990- 2000) was met by only a 6% increase in housing units. Similar trends occurred throughout Acton's region, for the rate of household growth consistently exceeded the rate of housing unit growth. In all but

Acton, Littleton and Sudbury, the rate of household growth also surpassed the rate of population growth. Households – not population – create housing demand.

**Table 1.18: Single-Family Home Sale Price Trends, 1990-2003**

Area	Median Sale Price			Median Sale Price			% Change 1990-2003
	1990	2000	% Change	1995	2003	% Change	
ACTON	216,000	374,900	73.6%	260,000	469,275	80.5%	117.3%
Bedford	197,250	363,750	84.4%	244,550	445,000	82.0%	125.6%
Boxborough	235,000	460,000	95.7%	278,000	549,500	97.7%	133.8%
Carlisle	318,000	599,900	88.6%	358,750	715,000	99.3%	124.8%
Chelmsford	158,000	243,000	53.8%	162,500	329,900	103.0%	108.8%
Concord	276,000	536,500	94.4%	342,500	659,900	92.7%	139.1%
Lincoln	341,000	734,000	115.2%	522,500	975,000	86.6%	185.9%
Littleton	194,000	290,750	49.9%	173,500	360,000	107.5%	85.6%
Maynard	150,000	210,000	40.0%	134,000	290,250	116.6%	93.5%
Stow	185,000	325,900	76.2%	206,500	417,500	102.2%	125.7%
Sudbury	296,250	508,500	71.6%	307,000	586,250	91.0%	97.9%
Westford	202,250	325,000	60.7%	228,819	416,125	81.9%	105.7%

*Source: Banker & Tradesman (2004).*

Acton's low homeownership vacancy rate of .8% shows that properties for sale move quickly and that the level of market demand surpasses the available supply of homes. Given housing sale prices and the age profile of Acton homeowners, the town is particularly attractive to "buy-up" or second-time homebuyers who want a more valuable home in a prestigious community. For many, "buy-up" means a new or larger house that needs little improvement. However, Acton also has some older, more affordably priced homes and condominiums for younger people seeking to become homeowners. Although the town still retains some of these units today, they are a declining component of Acton's housing inventory because substantial renovation projects have converted many of them into larger homes comparable to those built in new subdivisions.

## RENTAL MARKET

Statewide, the scarcity and cost of rental housing leave prospective tenants with very few choices. Rental units are often age-restricted, a condition that limits access to portions of the rental inventory. In addition, however, the needs of tenants vary considerably: young citizens looking to establish their independence, new families who need a short-term rental while they search for home to buy, senior citizens who no longer want the burden or expense of homeownership, and households that cannot afford to buy a home or simply prefer to rent. As a result, the demand side of the rental housing market is hardly uniform. As for the supply side, four conditions exist in Acton's region: the inventory of rental units is fairly diverse, expensive, older than homeownership units, and vulnerable to homeownership conversion.

Most suburbs discourage multi-family housing by limiting residential uses to single-family homes, allowing attached units at a density high enough to attract some condominium development but not high enough to attract rental development, or by requiring multi-family developers to apply for a special permit. Very few rental units have been added to Acton's regional housing inventory since the 1980s, yet several of these towns absorbed significant residential growth during the past decade.

Regionally, about 8% of all renter-occupied housing units were built between 1990-2000 while 58% pre-date 1970. Chelmsford, Acton, Maynard and Concord account for 60% of all renter-occupied units in the area. Considering all 12 towns, the total rental inventory includes about 10,700 units, of which only 306 were vacant and available for rent in April 2000.

As of Census 2000, Acton's rental vacancy rate was only 2.8%, down significantly from 7.7% in 1990. Renter-occupied units had *also* declined, however, for between 1990-2000, units occupied by tenants at the beginning of the decade were later sold and occupied by homebuyers. Overall, Acton's region had 869 fewer renter-occupied housing units in 2000 than in 1990, or a -7.5% decrease. Despite the rate of household growth and new unit production that occurred in all 12 towns, vacancies in single-family homes and townhouses dropped by a total 253 units. These two housing types were the most dramatically affected of all by conversion from renter to owner occupancy.

**Table 1-19: Change in Renter-Occupied Units, Units for Rent and Rent Ranges<sup>13</sup>**

Area	Census 2000				1990 Census			
	Renter Occupied	Median Gross Rent	Units for Rent	Average Rent Asked	Renter- Occupied	Median Gross Rent	Units for Rent	Average Rent Asked
Massachusetts	935,332	684	34,174	701	915,617	580	67,772	575
Middlesex County	214,629	835	5,056	964	209,727	671	11,948	656
ACTON	1,795	867	52	921	1,946	733	163	735
Bedford	915	980	24	1,173	1,284	817	30	824
Boxborough	546	786	26	840	443	716	84	653
Carlisle	101	1,400	3	N/A	120	667	5	903
Chelmsford	2,068	777	40	1,075	2,037	702	154	715
Concord	1,145	1,106	38	2,309	1,254	877	52	701
Lincoln	1,075	950	6	N/A	1,221	764	12	1,039
Littleton	499	680	16	527	504	726	43	742
Maynard	1,290	730	39	582	1,424	631	76	734
Stow	271	739	2	N/A	229	730	9	708
Sudbury	444	756	19	N/A	452	632	13	982
Westford	550	690	13	654	654	691	17	668

*Source: Census 2000, Summary File 1 Tables H-4, H-5, Summary File 3 Tables H-61, H-63; 1990 Census, Summary File 1 Tables H-03, H-05, H-038, Summary File 4 Table H-043A.*

In all markets, rental units recycle faster than homeownership units and the same applies in Acton, where the median move-in year for tenants is 1998 (for homeowners: 1991). Region-wide, renters appear to relocate in 24- to 30-month cycles, although there is some evidence of longer-term tenancies, particularly in Westford and Harvard. The type, size and price of the region's rental stock contribute to significant variations in average renter household size. Acton's renter households are

<sup>13</sup> Notes to Table 1.19: (1) Rents asked for vacant units in Carlisle, Lincoln, Stow and Sudbury are not reported in Census 2000 due to statistical sampling procedures used by the Census Bureau. (2) An analysis of vacant units by range of asking rents, housing types and rooms per unit in all 12 communities suggests that in some cases, units vacant on April 1, 2000, may have been disproportionately located in subsidized rental developments, especially subsidized developments restricted for elderly/disabled occupancy. This finding applies primarily to communities in which the average asking rent was lower in 2000 than in 1990.

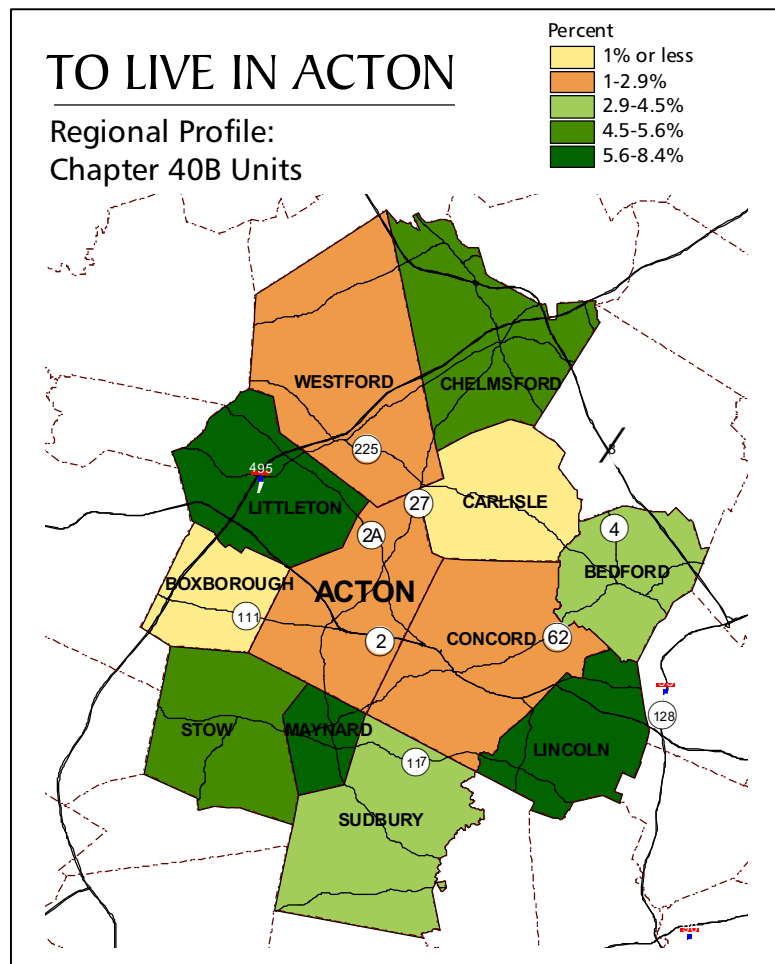
among the smallest in the area, in contrast to Lincoln or Carlisle, where a large percentage of all renters are families with children.

Regardless of factors that may distinguish Acton-area renters, they have at least one challenge in common: the high cost of housing. Measured by monthly rents alone, i.e., excluding utility costs, tenants pay anywhere from \$800 to more than \$1,000 per month to live in Acton and as much as \$1,560 per month in Carlisle. The variation in rental prices reflects the size and type of rental structure, unit sizes, and the percentage of the rental inventory that is subsidized by federal or state sources. These statistics reflect conditions on April 1, 2000, but while rental charges have undoubtedly increased since then, the overall relationship between rents in each community has most likely remained the same. Unless they qualify under federal income guidelines, households searching for a suburban apartment face difficult odds of finding one they can afford. Of the 306 vacant units for rent in the 12-town area, 17% were in Acton. More than 10% of the region's vacant units were for rent at monthly rates of \$2,000 or more. However, for both existing and soon-to-be tenants, the issue is not only monthly rents charged by landlords, but also the cost of utilities. Depending on the type of unit and whether it is subsidized, utilities add \$45 to \$100 per month to the base rent paid by renter households.

## HOUSING AFFORDABILITY

### Chapter 40B

Acton has some lower-cost homes, but it has very few that qualify as affordable housing units under state law. In Massachusetts and most states across the country, the term "affordable housing" means homes made affordable to lower-income households by a deed restriction or covenant that restricts sale prices and rents as the units are vacated, sold or leased to new tenants. Acton currently has 161 units of housing that qualify as "affordable" under Chapter 40B, a law that is highly controversial in most communities because it overrides local zoning regulations that make low- and moderate-income housing economically infeasible to build. The device that overrides local zoning is a comprehensive permit.



Enacted in 1969, Chapter 40B establishes a legal presumption of unmet housing needs when less than 10% of a community's year-round housing stock is affordable to households at or below 80% of median family income. Generally, communities that do not meet the 10% threshold must issue a comprehensive permit unless there is a compelling basis to deny one. Developers, in turn, may ask the state's Housing Appeals Committee (HAC) to overturn a local Zoning Board of Appeals (ZBA) decision. Many appeals are resolved by negotiation between developers and local officials, but HAC's overrides have left a lasting impression on communities and form the basis for most of the opposition from local governments today.

Of Acton's 177 Chapter 40B units, 11% are homeownership units and the rest are restricted for rental occupancy.<sup>14</sup> The Acton Housing Authority owns and manages 142 rental units and while most are in public housing developments, some of the family units are condominiums in various locations around Acton. There are also two group homes for people with developmental disabilities, one owned by the Acton Housing Authority and the other by the Department of Mental Retardation. Acton's 19 Chapter 40B homeownership units are primarily a result of the town's own zoning more than comprehensive permits. Recently, the Board of Appeals approved a comprehensive permit for a homeownership development known as Franklin Place and it includes four Chapter 40B units, although they have not yet been added to the Chapter 40B Inventory.

Statewide, 8.53% of all houses and apartments meet the statutory definition of "low- and moderate-income housing units," though only 31 of the state's 351 communities have produced enough subsidized housing to satisfy the 10% goal. While cities top the list for affordable housing production, a few towns also exceed 10%. The communities in Acton's region have a combined total of 2,429 Chapter 40B units, or 4.12%. Lincoln tops the list for percentage and Chelmsford, for number, but most of the towns exceed the suburban average of 2.77%.

**Table 1.20: Chapter 40B Subsidized Housing Inventory by Town<sup>15</sup>**

Community	Total Year-	Chapter 40B Units	%	Community	Total Year-	Chapter 40B Units	%
	Round Units		Subsidized Base		Round Units		Subsidized Base
Acton	7,645	177	2.32%	Lincoln	2,076	175	8.43%
Bedford	4,692	210	4.48%	Littleton	3,018	240	7.95%
Boxborough	1,900	12	0.63%	Maynard	4,398	332	7.55%
Carlisle	1,647	18	1.09%	Stow	2,108	117	5.55%
Chelmsford	12,981	625	4.81%	Sudbury	5,582	214	3.83%
Concord	6,095	177	2.90%	Westford	6,877	132	1.92%

*Source: DHCD Subsidized Housing Inventory (April 2002), Nancy Tavernier, Acton CHC (2004).*

<sup>14</sup> Nancy Tavernier, Chairman, Acton Community Housing Corporation, June 2004.

<sup>15</sup> For all towns except Acton, the number of Chapter 40B units listed in Table 1.20 is based on the most recently published update of the Subsidized Housing Inventory (April 2002). DHCD is currently collecting information from all communities across the state as part of a two-year update process. As a result, some of the data presented in Table 1.20 may be obsolete.

## Other Measures of Affordability

The legislature's intent in enacting Chapter 40B was to assure a "fair-share" distribution of low-income housing across the state, but housing policy analysts do not define affordable housing need on the basis of a fixed 10% standard. The national definition of housing affordability assumes that a home is affordable to its owners if their monthly housing costs – a mortgage payment, property taxes, and house insurance – do not exceed 30% of their monthly gross income. Similarly, an apartment is considered affordable to tenants if they pay 30% of their gross monthly income, or less, for rent and utilities. Under these criteria, "affordable housing need" exists when households pay more than 30% of their gross income for housing costs. In housing industry parlance, they are classified as "housing cost burdened."

According to federal data, 26.2% of homeowners statewide and 23.8% in Acton meet the definition of housing cost burdened households. The situation is different among elderly homeowners. Across the Commonwealth, 25.2% of all homeowners over age 65 pay more than 30% of their monthly income on housing but in Acton, this applies to 28.7% of all over-65 homeowners. Of all homeowners, however, those with low incomes are affected more pervasively than any other group. At least 56% of all low-income homeowners in Massachusetts and 80.4% in Acton are housing cost burdened. Although the percentage of cost-burdened homeowners overall is slightly smaller today than in 1990, this is not true for elderly or low-income households. In both cases, the percentage of housing cost burdened homeowners has increased since 1990.

**Table 1.21: Incidence of Housing Cost Burden: Homeowners by Mortgage Status, Age & Income<sup>16</sup>**

Area	With Mortgage		Without Mortgage		Elderly	Low-Income
	% Cost Burdened	% Severely Cost Burdened	% Cost Burdened	% Severely Cost Burdened		
Massachusetts	26.2%	8.7%	14.1%	5.5%	25.2%	56.0%
Middlesex County	25.7%	8.6%	14.3%	5.9%	25.6%	61.9%
ACTON	23.8%	8.1%	12.7%	3.1%	28.7%	80.4%
Bedford	17.9%	3.3%	11.2%	3.3%	21.1%	64.7%
Boxborough	21.7%	7.8%	6.5%	3.5%	24.5%	72.9%
Carlisle	29.0%	13.6%	14.1%	6.8%	23.0%	81.5%
Chelmsford	22.6%	7.1%	14.8%	5.6%	28.9%	62.6%
Concord	29.0%	10.6%	11.8%	5.6%	24.9%	82.9%
Lincoln	26.6%	9.2%	11.6%	6.1%	16.7%	69.2%
Littleton	21.8%	7.2%	4.7%	1.6%	14.4%	62.5%
Maynard	26.4%	7.4%	16.7%	9.2%	24.9%	62.3%
Stow	24.5%	8.2%	11.8%	2.0%	8.0%	59.9%
Sudbury	25.5%	9.0%	12.6%	6.5%	25.3%	79.7%
Westford	19.2%	4.8%	12.0%	4.0%	28.9%	63.3%

*Source: Census 2000 Summary File 3, Tables H-94, H-96, H-97. Severely cost burdened means homeowners paying more than 50% of their income on principal, interest, taxes and insurance.*

Compared to homeowners, a larger percentage of the state's renters are housing cost burdened and it is not surprising to find that the same applies to renters in Acton. Statewide, 38.7% of all renters

<sup>16</sup> Note to Table 1.12: "Severely Cost Burdened" measures households paying more than 50% of their income on housing costs.

pay more than 30% of their monthly income for rent and utilities, and in Acton, 30.2%. Except for communities with large inventories of subsidized elderly housing and few elders living in market-rate rentals, the incidence of housing cost burden among seniors is much greater across the Commonwealth, regionally and in Acton. In nearly all communities, however, rental housing cost burden is far more serious for low-income households that are ineligible for age-restricted units.

**Table 1.22: Incidence of Housing Cost Burden: Renters by Degree of Burden, Age & Income**

Area	All Renters			
	% Cost Burdened	% Severely Cost Burdened	% Elderly	% Low-Moderate Income
Massachusetts	38.7%	18.3%	50.5%	64.0%
Middlesex County	36.9%	16.4%	52.8%	69.9%
ACTON	30.2%	13.2%	47.9%	77.7%
Bedford	36.5%	16.9%	60.1%	72.0%
Boxborough	19.7%	10.2%	0.0%	64.2%
Carlisle	35.6%	0.0%	66.7%	100.0%
Chelmsford	44.6%	22.4%	69.7%	78.0%
Concord	29.2%	13.8%	33.2%	59.4%
Lincoln	43.6%	12.2%	38.5%	70.0%
Littleton	40.4%	14.6%	51.2%	67.2%
Maynard	40.4%	18.9%	43.9%	67.0%
Stow	32.8%	13.9%	52.1%	67.0%
Sudbury	45.6%	20.0%	58.7%	76.4%
Westford	27.8%	10.0%	51.6%	64.0%

*Source: Census 2000, Summary File 3 Tables H-69, H-71, H-73. Severely cost burdened refers to tenants paying more than 50% of their income on rent and utilities.*

Higher-density development is often regarded as crucial for reducing housing costs, but statistics for the state and countywide geographies indicate that this is not always true. In many communities, the incidence of rental housing cost burden seems to increase with density and scale. In Massachusetts, more renters occupy units in two- to four-unit buildings than any other type of housing (42%) and the smallest percentage of renters is found in single-family homes and townhouses (13.4%). The distribution of renters by housing type is virtually the same in Middlesex County and the state as a whole. In Acton's region, however, the physical characteristics of renter-occupied housing are quite different. Here, nearly 32% of all renters live in single-family homes and townhouses and 25.4% in two- to four-family buildings.

Census data point to a correlation between median renter household income and the percentage of single-family and townhouse units in a community's renter-occupied housing inventory. Although rents are usually lower in multi-family developments, renter household incomes *also* tend to be lower, but there are exceptions. The regional anomaly is Boxborough (Table 1.23), which has the second highest median renter household income, the largest percentage of renters in multi-family developments, and the lowest percentage of cost-burdened renters overall. Concord is the only town with consistently smaller percentages of cost-burdened renters by housing type compared to the state or Middlesex County, but Acton is a very close second. Together, Acton and Concord house 27% of all renters in the 12-town area – and 42% of all renters with annual incomes of more than \$100,000.

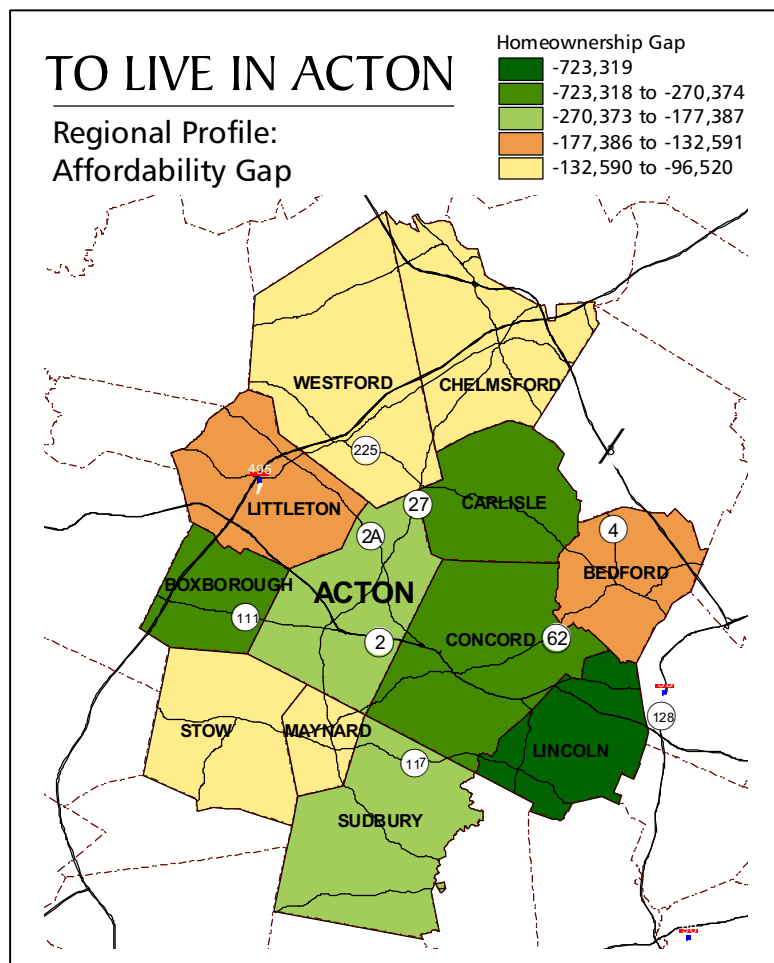
**Table 1.23: Percentage of Housing Cost Burdened Renters by Type of Dwelling Unit**

Area	Renter Households in Sample	Detached Single-Family Home or Townhouse	Units in 2-4 Family Buildings	Units in 5-19 Family Buildings	Units in 20+ Family Buildings
Massachusetts	932,073	36.9%	36.5%	39.9%	42.9%
Middlesex County	214,291	36.5%	34.0%	38.0%	41.4%
ACTON	1,795	38.0%	23.0%	27.4%	35.2%
Bedford	907	41.6%	21.1%	47.7%	44.7%
Boxborough	519	34.6%	75.0%	17.9%	6.1%
Carlisle	90	37.8%	20.0%	100.0%	N/A
Chelmsford	2,061	42.9%	31.0%	43.9%	53.0%
Concord	1,130	29.7%	29.9%	26.0%	34.1%
Lincoln	1,064	40.2%	42.9%	78.1%	27.3%
Littleton	499	30.9%	40.6%	41.7%	43.6%
Maynard	1,290	44.1%	40.2%	35.9%	47.8%
Stow	271	18.6%	49.0%	40.0%	N/A
Sudbury	444	42.1%	12.2%	100.0%	72.6%
Westford	550	18.1%	28.8%	40.7%	100.0%

*Source: Census 2000, Summary File 3 Table H72.*

### Affordability Gap

Since the 1930s, federal housing policies have effectively subsidized homeownership through income tax deductions for mortgage interest and real estate taxes, federal home mortgage insurance, and more recently, low-interest loans and grants that help moderate-income renters become homeowners. Though some home-seekers have more resources than lenders require, such as equity to invest from the sale of a previous home or a gift or loan from family members, those with only their savings to put toward a downpayment find homebuying more difficult. First, while saving to purchase a home they must also pay rent, and because apartments are so scarce, market rents have become very expensive. Second, since the





purchase price of a house usually determines the downpayment amount, first-time homebuyers end up saving toward a moving target: the sale price of homes in a very tight real estate market.

Under conventional loan underwriting standards, homebuyers at Acton's median household income of \$91,624 can afford a purchase price of about \$291,888. For them, the town's median single-family home sale price of \$469,275 (2003) translates into an "affordability gap" of -\$177,387: the difference between the sale price and the purchase price they can afford. A sale price of \$469,275 is also high enough to preclude 61% of Acton's present households, and 83% of all households in the Boston metropolitan area, from purchasing a house in town if they were first-time homebuyers today. Condominiums often supply more affordability than single-family homes, and in Acton this appears to be true: its median condominium sale price was \$182,000 last year. However, Acton's condominium sale prices increased by nearly 80% during the 1990s, and even though they are comfortably affordable to homebuyers at Acton's median household income, they exceed the buying power of 69% of all renters in the region.

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## Housing Needs

It is tempting to define a town's housing needs by its own shortfall of Chapter 40B units, but the need for decent, suitable and affordable housing exists at most market levels. Indeed, the Commonwealth's affordable housing shortage is more complicated than state policymakers and many communities have been willing to concede. The very high rents for market-rate apartments in Chapter 40B developments serve as a reminder that more density and an expanded housing supply do not guarantee that homes will be affordable even to middle- and upper-middle income renters. The same is true for market-rate single-family homes and condominiums in Chapter 40B homeownership developments.

According to the U.S. Department of Housing and Urban Development (HUD), nearly 45% of the state's 2,443,580 households have incomes at or below 80% of the area median family income (AMFI) for the regions in which they live, adjusted for household size. Providing Chapter 40B housing units equal to 10% of all year-round homes in Massachusetts requires a total of 252,696 units. An update of the Subsidized Housing Inventory last year indicates that 215,621 Chapter 40B units already exist, or 8.53% statewide. If every community that does not meet the 10% standard today produced enough low-income housing to comply, their units added to the existing pool would create an affordable housing inventory of about 296,720 units. Still, Massachusetts would have 803,000 low- and moderate-income families without a guarantee of affordable housing. In Acton, 10% means about 604 Chapter 40B units in addition to the town's current 161-unit inventory, yet technical compliance with Chapter 40B would leave about 670 Acton households in homes they cannot afford.

A second temptation in defining housing needs is to focus on local residents only, without regard for needs that exist within larger regions or among communities with similar housing markets. In an effort to coax cities and towns to address affordable housing, the state has unwittingly reinforced the tendency to "think locally" by promoting a policy of up to 70% "local preference" units in Chapter

40B developments. Fifty-four percent of all households in Middlesex County qualify as low or moderate income, yet only 31% of them live in non-urban communities such as Acton. Federal census data show that about 45% of Middlesex County's homeowners and 55% of Acton's moved into their present home in the past decade. Although local officials in most cities and towns worry about the social, economic and fiscal impacts that affordable housing developments may bring to their communities, many households can choose to move from one town to another because they have economic mobility. For low- or moderate-income households, the shortage of affordable housing is effectively a shortage of choices.

Considering the age, income and composition of households in Acton and adjacent communities and housing prices throughout the area, Acton should focus on the following priority needs.

### 1. Affordable rental units for very-low and low-income families.

**Discussion.** Unlike many suburbs west and north of Boston, Acton has a fairly large percentage of renter-occupied housing: 24% of the town's occupied housing units.<sup>17</sup> However, very few of Acton's rental units are designed for families and fewer still are affordable to low-income families.

Of Middlesex County's 54 cities and towns, Acton has the second lowest rank for percentage of renter-occupied housing with three or more bedrooms and the eighth lowest rank for average renter household size (1.73), so it is not surprising to find that single people live in nearly half of Acton's rental units. Many of the town's renters are young and middle-aged professionals, often with incomes that exceed renter household

incomes elsewhere in the Boston metropolitan area. Adjusted for household size, Acton's median renter household income surpasses that of all towns in the immediate area.

Acton's Chapter 40B Inventory includes only 42 rental units for low-income families. In Acton today, 530 of the town's renter households – or 30% – spend more than 30% of their monthly income on rent and utilities. Nearly 65% of Acton's cost-burdened renters are households headed by persons under 44 years of age, and most of them are families: married couples and single parents. Sub-regionally – that is, Acton and 11 nearby towns – there are 3,684 low-income families and 1,557 very-low-income families, but only 2,238 Chapter 40B rental units, most of which are age-restricted.

To Live in Acton

#### PRIORITY HOUSING NEED #1 Low-Income Rental Units



In Acton's region, a four-person family with income at or below \$41,350 meets the federal definition of a low-income household.

There are 405 low-income families living in Acton today.

89% are housing cost burdened.

<sup>17</sup> Census 2000, Summary File 1 Table H-7.

## 2. Affordable rental units designed for low-, moderate- and middle-income senior citizens and persons with disabilities.

**Discussion.** The population percent of persons 65 and over in Acton is very low: 8.4% compared to 13.8% for the state as a whole and 13% for Middlesex County. Acton also falls in the lowest quartile for Middlesex County for percentage of elders in rental housing. Significantly, the ratio of median household income for seniors over 75 to the town's median family income overall is only .235 – a ratio that means Acton's oldest residents are in a profoundly different economic position from that of its working-age families. It is little wonder that Acton's senior population is so small.<sup>18</sup>

Except for 90 units at the Inn at Robbins Brook, an assisted living facility with three affordable units certified for listing on the Subsidized Housing Inventory, the only rental housing units developed for the elderly in Acton are owned and managed by the Acton Housing Authority. As a result, there are very few choices to elders with incomes above 80% of area median family income, and Acton's small portfolio of elderly public housing (91 units) means that elders with incomes below 80% also have strikingly few options. The issue is not only affordability, but also size and configuration. Owing to design constraints imposed by housing subsidy programs, public housing units are usually quite small. To some senior citizens, the degree of "downsizing" involved in relocating to an affordable housing unit is an enormous sacrifice while other seniors view a small apartment as an asset because it is easier for them to manage. For elderly residents and elderly relatives of Acton families, the town should provide more choices in order to meet needs that will not be served by high-end assisted living units. Elderly independent living apartments priced on a continuum for low-, moderate- and middle-income seniors, and possibly elderly cottage units or "ECHO" housing, would help to address these needs.<sup>19</sup>

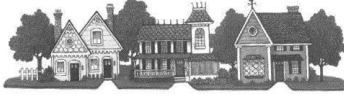
In addition, Acton is substantially below average for Middlesex County and the Commonwealth for percentage of working-age adults with disabilities, and its percentage of elderly persons with disabilities is the sixth lowest in Middlesex County.<sup>20</sup> Acton has well-defined village centers that could support access to goods and services for people with mobility impairments and other disabilities. Today, there is very little barrier-free housing in Acton except for accessible units in elderly developments or homes that have been retrofitted by private property owners.

To Live in Acton

**PRIORITY HOUSING NEED #2**

**Affordable Senior Apartments**

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In Acton, the median household income of seniors over 75 is only 23% of the town's median family income. Acton ranks fourth in Middlesex County for the magnitude of the income gap between its oldest households and working-age families.

<sup>18</sup> Census 2000, Summary File 1 Table P-12, Summary File 3 Tables H-14, H-69, H-71.

<sup>19</sup> In housing parlance, "ECHO" means "Elderly Cottage Housing Opportunities." In concept, an ECHO unit is similar to an in-law apartment. Instead of being located inside a single-family dwelling, however, an ECHO unit is a freestanding home situated on the same lot as a principal residence, usually that of a family member.

<sup>20</sup> Census 2000, Summary File 3 Table P-42.

### 3. Affordable homeownership units for moderate-income families.

**Discussion.** Nearly all of Acton's recent achievements in Chapter 40B housing production have resulted in homeownership opportunities for moderate-income households. Local officials and developers have made important contributions to Acton's affordable housing supply because without the town's own zoning incentives for affordable units, Acton would not have had any moderately-priced homes for first-time homebuyers units until the late 1990s. However, including four homes in Acton's most recently approved comprehensive permit project, Franklin Place, Acton has only 19 homeownership units on the Subsidized Housing Inventory.

Families constitute a substantial portion of all households in Acton and their median income is the tenth highest family income in Middlesex County. Additionally, Acton ranks 12 for high percentage of married-couple families (88.1%) and 7 for married-couple families with children under 18 (50.9%). The incomes of married-couple families, and particularly married-couple families with children, are much higher than the incomes of other households in town. In light of the make-up and economic position of most Acton households, it is not surprising to find that the town has a relatively small percentage of cost-burdened homeowners: about 24%, compared to 26% for both Middlesex County and the state.<sup>21</sup>


Despite the economically advantaged position of most Acton families, statistical indicators of their well-being mask important differences that exist among homeowners by age, income, and neighborhood. Acton's percentage of young homeowners – households headed by people under 35 – is only 8.8%, which places the town in the lowest quartile for Middlesex County and underscores the “buy-up” nature of Acton's housing market. Since many of the young homeowners who live in Acton have fairly high incomes, the incidence of housing cost burden among them is roughly consistent with the Middlesex County average for the same age group (24%). Affordability conditions for young homeowners in three sections of Acton differ significantly from the town-wide average, however: in these neighborhoods, nearly half of all homeowners under age 35 pay more than 30% of their income on housing costs.

County-wide, Acton ranks 40 for percentage of low- and moderate-income households, and the rate of housing cost burden for this group of homeowners in Acton is the County's sixth highest. Significantly, the rate of housing cost burden among low- or moderate-income homeowners ranges from 50-100% in seven of Acton's nine census block groups. Overall, the percentage of cost-burdened low- and moderate-income homeowners in Acton is much higher than in a majority of

To Live in Acton

**PRIORITY HOUSING NEED #3**  
**Moderate-Income Homeownership**

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In Middlesex County, Acton has a fairly low percentage of non-elderly, low- and moderate-income households and one of the highest percentages of low-income households that are housing cost burdened.

The incidence of homeowner cost burden is very high among young families in three of Acton's census block groups.

<sup>21</sup> Census 2000, Summary File 1 Tables P-34, P-36, Summary File 3 Tables H-94, PCT-39.


Middlesex County towns or the state as a whole. In Acton, less than half of the households with incomes in the low or moderate range are senior citizens.<sup>22</sup>

#### **4. Affordable homeownership units in a range of residential use types and sizes for moderate- and middle-income seniors.**

**Discussion.** Many elderly homeowners in Acton – regardless of income – spend more on housing costs than elders in communities nearby, the balance of Middlesex County, the Boston metropolitan area or the state. Town-wide, about 28% of Acton’s over-65 homeowners pay more than 30% of their income on housing: for most, this means property taxes and house insurance, and for some, it also includes a mortgage payment. Acton ranks 16 out of 54 Middlesex County communities for high percentage of cost-burdened elderly homeowners. For the elderly as a percentage of all homeowners, a high-low ranking of the county’s 54 cities and towns places Acton only at 12. Less than 15% of Acton’s homeowners are over 65, compared to 24.8% for the state as a whole.

To Live in Acton

**PRIORITY HOUSING NEED #4**  
**More Choices for Seniors**



Acton ranks 16 out of 54 Middlesex County communities for high incidence of housing cost burden among the elderly.

Over-65 households comprise 14.8% of all homeowners in Acton. As a result, Acton’s county rank for percentage of elderly homeowners is only 12. Low-, moderate- and middle-income senior citizens cannot afford to live in Acton.

The shortage of options for seniors who want to “down-size” to smaller homes is hardly unique to Acton. Elderly homeowners are underrepresented in most of Acton’s market area. Although the region offers “over-55” developments of townhouses, condominiums and small single-family homes, nearly all of the units are priced at the upper end of the market: sale prices starting at \$299,000 and monthly fees of \$360-\$450. For example, the assessed values of Acton’s new over-55 condominiums and townhouses at The Pines at Robbins Brook are \$303,717 and \$401,300 respectively. In the past few years, several communities in Eastern Massachusetts have issued comprehensive permits for “over-55” housing, but Chapter 40B is not always the best tool for creating affordably priced homeownership units for seniors. While many elderly households are eligible for Chapter 40B affordable units on the basis of income, the value of their assets may be too high. In addition, the market-rate units in Chapter 40B developments are usually out of reach for moderate- and middle-income elderly homebuyers. Like most towns, Acton needs elderly units at below-market prices without the income and asset restrictions associated with Chapter 40B.

#### **5. Homeownership units at below-market prices, affordable to middle-income homebuyers.**

**Discussion.** Acton’s evolution as a town with many large, spacious, expensive homes seems inescapable. For three successive decades, Acton has ranked in the top 25 communities statewide for

<sup>22</sup> Census 2000, Summary File 1, Table H-16, Summary File 3 Tables H-94, H-96.

median household income and the top 20 communities for median family income.<sup>23</sup> This year, Acton homeowners have paid the state's 16<sup>th</sup> highest average single-family tax bill, although their property tax burden is very similar to that of other upper-income suburbs.<sup>24</sup> As testimony to the pattern of high household wealth in most west-of-Boston suburbs, Acton is actually a "mid-market" town for the region: its median single-family home sale price of \$469,275 represents an 85% increase since 1995 and throughout, it has remained roughly at the mid-point of the 12-town comparison area, with Lincoln at the highest end of the range and Maynard at the lowest.<sup>25</sup>

To Live in Acton

**PRIORITY HOUSING NEED #5**  
**Below-Market Homeownership**



Acton's region has experienced some of the highest rates of single-family and condominium sale price growth of any area in the Commonwealth. Last year's single-family home sale price in Acton - \$469,275 - is unaffordable to 83% of all households in the Boston metropolitan area.

One way to think about home prices in any community is to consider whether its present homeowners could afford to buy a house in town if they were first-time homebuyers today. In Acton's case, the median single-family home sale price would be unaffordable to 61% of its existing households and 83% of all households in the Boston metropolitan area. Under conventional loan standards, a household of four at the Boston area median family income (\$82,600) can afford to purchase a house or condominium that costs about \$285,000. For them, the median single-family sale price in Acton constitutes an affordability gap of \$184,275.<sup>26</sup>

Undeniably, other towns nearby offer more homes at lower prices than prospective homebuyers will find in Acton. For example, the median single-family sale price in Maynard, Chelmsford and Littleton ranges from \$290,250-\$360,000. However, the most striking feature of the region's housing market is the change that has occurred in home prices in traditionally affordable communities. Since 1995, the highest rates of regional sale price growth have occurred in Maynard (117%), Littleton (107%) and Chelmsford (103%).<sup>27</sup> As a result, the risk of diminished housing affordability for young workers and their families is a region-wide problem, one that will not be solved by a single town's initiatives.

<sup>23</sup> The Boston Globe, August 27, 2002, <<http://www.boston.com>>. The Globe posted a one-time, online collection of three decades of census data for all cities and towns in New England, supplied by the Bureau of the Census when Census 2000 Summary File 3 Demographic (DP-series) Tables were released on August 27, 2002.

<sup>24</sup> Massachusetts Department of Revenue, Division of Local Services, "FY2004 Average Single-Family Tax Bill." Municipal Data Bank, <<http://www.dls.state.ma>>. Here, "tax burden" measures the average single-family tax bill as a percentage of the median income for homeowners in each community, and "suburb" refers to the "King of Community" classification system developed several years ago by the Department of Revenue.

<sup>25</sup> Acton Assessor's Office, FY03 Parcel Database supplied to author. The condominium and townhouse sale prices cited above do not include units at The Pines at Robbins Brook.

<sup>26</sup> "Affordability" assumes a 30-year, fixed-rate mortgage at 7% interest and a 10% downpayment.

<sup>27</sup> The Warren Group, "Free Market Statistics," <<http://www.thewarrengroup.townstats.com>>.

For many years, Acton's contribution to the supply of "entry" homeownership units has been its substantial inventory of condominiums, which are affordable to a much wider pool of prospective homebuyers than its single-family homes. Excluding detached condominiums – that is, single-family homes in a development with shared land ownership – condominiums and townhouses in Acton have sold for \$145,000-\$180,000 since 2000.<sup>28</sup> These units are clearly affordable to many households, particularly young renters living in Acton and communities closer to Boston. A challenge for Acton is to preserve the affordability of its condominiums so that some of them will continue to provide moderately priced alternatives to a single-family home. Since 1995, the median sale price of condominium and townhouse units in Acton has increased by 81%.

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## Local Efforts to Address Housing Needs

Acton has one of the most innovative, thoughtfully conceived zoning bylaws in Massachusetts. The town encourages a variety of residential uses, including density incentives by special permit for clustered residential development, senior housing and provision of affordable housing. Acton also allows accessory dwellings by right in all residential districts, multi-family housing by right in four zoning districts and by special permit in two zoning districts, and single-family to multi-family conversions by special permit in all residential and village districts. In addition, Acton promotes small assisted living facilities by allowing them as of right, and larger ones by special permit, in all residential districts. Moreover, Acton provides incentives for transfer of development rights to encourage compact physical form in the town's four village centers. Since the early 1990s, Acton officials have used zoning and small comprehensive permits to approve about 25 affordable housing units that are or will be eligible for listing on the Subsidized Housing Inventory, and to negotiate cash contributions from developers to the town's own affordable housing efforts.

In addition to using its regulatory powers to provide for a mix of homes, Acton has a very active Housing Authority and the town has sustained a committed corps of affordable housing advocates for nearly two decades: first as an independent non-profit organization and later, as a local initiative corporation operating under the aegis of a special act of the legislature. The Acton Community Housing Corporation (ACHC) functions more as a local housing partnership than as a developer, although its legislative charter allows the ACHC to engage in affordable housing development much like other special-act non-profits around the state, such as LexHAB and the Belmont Housing Trust. Recently, the ACHC spearheaded a plan for the town to lease the historic Towne School to a private developer for an 18-unit affordable rental project. The ACHC has worked tirelessly on behalf of Acton's affordable housing needs, even when local housing partnership committees in many towns lost energy after the state reduced its financial support for affordable housing development several years ago. Acton voters have also agreed to adopt the Community Preservation Act (CPA), a move that could mean a significant infusion of new resources into affordable housing production.

Despite these actions, Acton remains one of the state's most expensive towns to live in and its housing, while diverse, is out of reach for 71% of all households in the Boston metropolitan area.

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<sup>28</sup> Acton Assessor's Office, FY03 Parcel Database.

Wetlands and Title V constraints are significant development barriers in some parts of town, and the reality is that Acton does not have many large tracts of land left to support new homes. As reported in Acton's recent Master Plan Update (1998), most of the town's remaining residential growth potential involves land that is already developed: parcels with an existing single-family home and surplus land that may be subdivided in the future. As Acton neighborhoods "fill in" with additional housing, the town will probably experience more intense opposition to new development simply because the loss of vacant land pockets will be visible to so many people. Together, the environmental, open space and fiscal implications of more homes do not bode well for Acton's ability to make substantial gains in affordable housing. Furthermore, while Acton's zoning is creative, it is also very complicated. Many of the density incentives seem generous compared to the restrictive regulations in most suburbs, but they may not be enough to persuade risk-conscious developers to apply for a special permit.

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## Policy & Planning Issues

### DEFINING "AFFORDABILITY"

Although local officials are understandably concerned about Chapter 40B, there are compelling housing issues in Acton and Chapter 40B does not guarantee that they will be addressed: variety, predictability and affordability in rental housing, and housing cost barriers to middle-class homeownership.

In 1990, 29.5% of Acton's housing stock was occupied by renters, yet by 2000, the number of rental units had declined by 7.9%. Of the 1,946 units that housed tenants in 1990, 225 were detached single-family homes – a condition that helps to explain the slightly larger average household size in Acton's rental units a decade ago. After the recession lifted, 45 of these single-family homes were eventually sold to homebuyers and the units converted from renter- to owner-occupancy. Most of the remaining 108 "lost" rental units stemmed from condominium conversions and the sale of renter-occupied condominiums to homebuyers.<sup>29</sup> Market forces have an enormous impact on the occupancy characteristics of residential property, and Acton's experience illustrates how vulnerable renters can be to conditions in the real estate market. Within the 12-town comparison area, the total housing inventory increased by 6,079 dwelling units (11.2%), but the number of ownership units rose by 7,498 (18.5%) while the renter-occupied inventory decreased by 876 units.<sup>30</sup> At the same time, the vacancy rates in all 12 communities dropped significantly as the rate of household formation surpassed the rate of housing production. These kinds of conditions form the backdrop for the dramatic growth that has occurred in housing sale prices and rents throughout the Boston metropolitan area.

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<sup>29</sup> The loss of 18 units at the Village Arms Apartments also contributed to the 1990-2000 reduction in renter occupancies reported by the Census Bureau.

<sup>30</sup> 1990 Census of Population and Housing, Summary File 1 Tables H-1, H-2, H-3, H-5, and H-43; Census 2000, Summary File 1 Tables H-1, H-2, H-3 and H-5, and Summary File 3 Table H-32.



Housing costs usually exceed ability to pay for the elderly, young adults and low- or moderate-income households, and renters are more likely to be affected than homeowners. For the most part, Acton conforms to this pattern. However, the high percentage of cost-burdened homeowners in the 24-34 year age group in some parts of town suggests that at times, families are buying homes at prices they can barely afford and their ability to pay erodes when a parent is laid off or leaves the labor force to care for an infant. Low-income senior citizens are also affected, but in Acton the incidence of housing cost burden disproportionately affects two groups of homeowners: younger couples and single-parent families. Of course, Acton needs to plan carefully for housing that is affordable to moderate- and middle-income families because the negative fiscal impact of new residential development will simply aggravate the incidence of housing cost burden. Acton's challenge will be to provide for below-market family housing – both ownership and rental – at a pace the town can absorb.

## HOUSING PRESERVATION

Two obvious housing preservation concerns exist in Acton: the affordability of its condominiums and the “informal” supply of affordable single-family and two-family dwellings in older neighborhoods.

A review of parcel data supplied by the Acton Assessor's Office and a windshield survey of several neighborhoods suggest that Acton has about 300 older single-family and two-family homes that are “informally” affordable: units not subject to any deed restrictions, but due to their size, condition and age, they are of lower value and therefore at risk of redevelopment and conversion to expensive housing stock. Overall, these units are fairly small compared to new homes in Acton, and they share two noteworthy characteristics: virtually all of them were built between 1920-1950, and the ratio of building to land value is very low, i.e., the land is worth considerably more than the homes themselves.<sup>31</sup> Conditions such as these provide an economic basis for major alterations investments and demolition-rebuild projects – and ultimately, the loss of “market” affordable homes.

Expansions of existing homes and demolition-rebuild attract new wealth into a community. They also contribute some “new growth” tax revenue under Proposition 2 ½. However, as these activities cause older homes to appreciate in value, they remove lower-cost housing from the market. Strategies to secure the affordability of older homes would help Acton cultivate a small base of Chapter 40B-eligible units for low- or moderate-income homebuyers or renters, avoid the environmental costs of new development, and preserve design traditions that pre-date the modern conventional subdivision. In addition to acquiring these homes when the owners are ready to sell and placing deed restrictions on the units before selling or renting them as affordable housing, Acton could consider a demolition delay bylaw that applies to all demolition activity and provides incentives to preserve lower-value homes in-place or on relocation sites, including on lots with an existing structure. Similar techniques can be used to acquire condominiums and protect their affordability as well.

Preservation strategies are very difficult to implement. They require dedicated community involvement and considerable staff and volunteer time. However, capitalizing on the established

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<sup>31</sup> Acton Assessor's Office, FY03 Parcel Database. Statistics by author; windshield surveys of selected addresses completed in March-April 2004.

base of homes in Acton is more prudent than encouraging new construction and will probably be more acceptable to residents and local officials. Acton should emphasize preservation techniques to meet a variety of housing needs: affordable units that qualify under Chapter 40B, affordable units that serve “below market” households, and small homes for seniors and young citizens in search of starter housing. Community Preservation Act (CPA) revenue and cash contributions from developers are ideal sources for these kinds of affordable housing initiatives.

## THE ROLE OF LOCAL GOVERNMENT

### Planning & Public Policy Leadership

Planning requires leadership, but leading the way on affordable housing requires local governments to make choices that frequently spark opposition. While city and town officials are often called upon to balance their personal views with the wishes of their constituents, the public good and the requirements of law, housing is a particularly difficult issue for them to address. Compared to the federal and state governments, local government has a much smaller pool of constituents and far more contact with them on a day-to-day basis. In Massachusetts, most towns operate under forms of government that are designed to be deliberative and guided by majority interests. Open town meeting is an unusual legislative arrangement, one that puts constituents in the role of legislators with a direct say in major policy questions. Moreover, the executive branch is comprised of many elected and appointed boards, often with overlapping jurisdiction. When community leaders disagree about the need for affordable housing or local government’s role in providing for it, carrying out any affordable housing initiatives becomes nearly impossible.

Acton’s most recent experience with a comprehensive permit was very difficult for town boards, staff, the Acton Community Housing Corporation, the site’s abutters, and the developer. Although the project was ultimately approved with a significant reduction in the number units the developer had applied for, Acton does not want to repeat the problems that occurred with Franklin Place. It is very clear that Acton needs policies and criteria to align the affordable housing review objectives of town boards, commissions and staff. Ultimately, the direction must come from two boards that have enough authority over public policy and planning to effect and sustain inter-departmental cooperation: the Board of Selectmen and the Planning Board. Together, they should adopt a uniform comprehensive permit policy and that policy, in turn, should provide the framework for zoning changes and public investments to increase the supply of affordable housing.

As Acton’s chief elected officials, the Board of Selectmen has the broadest jurisdiction over public policy and in the comprehensive permit realm, the selectmen have several key functions. First, they are the recognized point of contact for state agencies that receive project eligibility applications from developers seeking to build subsidized housing. Accordingly, it is the selectmen who determine (or should determine) the town’s response to proposed sites and projects before a comprehensive permit reaches the Board of Appeals. Second, the selectmen appoint the Board of Appeals, which has the statutory power to issue or deny comprehensive permits. Third, the selectmen appoint the Acton Community Housing Corporation’s board, which has handled virtually all of the affordable housing work in Acton since the mid-1980s. Fourth, the Board of Selectmen has authority to approve applications to the Local Initiative Program (LIP) for non-subsidized comprehensive permit developments and to nominate locally created affordable units for listing on the Subsidized Housing Inventory.

Planning Boards have jurisdiction over comprehensive planning, zoning and subdivision control. By law, they have the power to prepare and adopt master plans, and during the 1990s the Acton Planning Board directed two master plan programs: 1991 and 1998. In addition, planning boards are required to hold a public hearing on all proposed zoning changes prior to town meeting, and in many communities they serve as special permit granting authority for a variety of uses. Aside from their traditional functions, planning boards may soon become the vehicle for issuing comprehensive permits. Even if this power remains vested with the Board of Appeals, however, planning boards have a crucial role in evaluating and commenting on comprehensive permits because they have so much “hands-on” experience with development review. Moreover, since planning boards oversee the implementation of a master plan, their comments and recommendations on comprehensive permits are effectively an exercise of land use policy.

The conflicted relationship between G.L. c.40A, the Zoning Act, and G.L. c.40B, Sections 20-23, the Comprehensive Permit Law, presents an extraordinary challenge to communities across the Commonwealth. When the legislature adopted Chapter 40B in 1969, the state placed some constraints on the zoning power of cities and towns. Regardless of the direction set by a master plan, land zoned for residential, commercial or industrial development may be used for low- and moderate-income housing in cities and towns that do not meet the 10% threshold that determines whether the Housing Appeals Committee can overturn a local comprehensive permit decision.

Often, small town and suburban master plans do not identify any areas for higher-density housing because it is so difficult to reach any consensus about density – except that residents oppose it. As a result, zoning bylaws typically provide for higher-density uses only where they already exist. All other areas are left to develop at a lower density or low intensity of use, a condition that has contributed to sprawl throughout Eastern Massachusetts. In this regard, Acton is very unusual; the Zoning Bylaw allows a wide range of uses, variable densities, and incentives to developers to balance private interests with public benefits. It also anticipates a town that is physically organized by village centers, a central feature of “Smart Growth” zoning. An issue for Acton is that even though the Zoning Bylaw provides for density incentives and transfer of development rights to accomplish local planning goals, the density bonuses may not be as attractive to developers as town officials imagine.

Acton needs to translate the wisdom of its master plan and zoning into a workable plan to manage comprehensive permits. Toward that end, Acton’s Board of Selectmen and Planning Board should jointly adopt a comprehensive permit policy statement that goes far beyond project review guidelines and answers the question that every developer yearns to ask: what does the town want? A comprehensive permit policy statement must be realistic if it is to succeed, and it ought to include the following information:

1) Location, Scale & Density

a) Locations

- (1) Where does Acton prefer to see comprehensive permit developments?
- (2) What areas are least appropriate for the higher-density development that is associated with comprehensive permits?

- (3) Both areas – preferred and not preferred – should be described and represented on a map. Since Acton has already zoned several areas for higher-density uses, the town has a usable set of policies on which to base these decisions.

b) Scale & Density

- (1) The town should state clear preferences for project scale, including the conditions under which a larger-scale development would be considered beneficial to Acton.
- (2) Encourage developers to consider small-scale homeownership developments. Since much of Acton's remaining developable land is on lots with an existing dwelling unit, the eventual division of these parcels may create opportunities for small developments of 6-10 dwelling units.
- (3) Encourage developers to consider small reuse projects. In most cases, the conversion of an older residential or commercial structure to affordable rental or ownership housing will also result in small-scale development. Acton should establish some parameters for zoning exemptions to encourage these investments, such as eliminating the requirement for owner-occupancy in a multi-family conversion or an increase in the floor area ratio above that prescribed in the Zoning Bylaw.

2) Housing Needs

- a) What housing needs is Acton primarily interested in addressing? Since Chapter 40B is a market-driven approach to developing housing, it does not guarantee that a town's or region's affordability needs will be met. Acton should take a declarative stance about its housing needs and ask developers to address them.
- b) How much affordability does the town want to accommodate on a project-by-project basis? Although all of the apartments in a comprehensive permit rental development "count" on the Subsidized Housing Inventory, they are not all affordable. If Acton wants to provide for below-market rental units in addition to low- and moderate-income units, the town should express a preference for range of affordability.
- c) Do some of the preferred locations make more sense than others for certain types of housing?
- d) Given local concerns about the fiscal impact of new growth, how many (or what percentage of) affordable family units is Acton willing to consider in a comprehensive permit development?

3) Trade-Offs

- a) What is Acton willing to offer in order to entice developers to abide by the comprehensive permit policy statement?
  - (1) An increase in the density typically associated with homeownership developments? (The conventional standard is an average of eight units per acre or four times the base density allowed under zoning, whichever is greater.)

- (2) An increase in density in exchange for outstanding architectural design, “green building” technology, or open space?
  - (3) A streamlined pre-application review process for small projects?
  - (4) A land swap to steer developers away from areas that have been planned for lower-density development and toward appropriately zoned areas?
  - (5) Waivers of local fees for affordable units?
- b) If the town could choose one of two comprehensive permits submitted concurrently, what criteria would Acton use to evaluate and rank them?
  - c) What public benefits – in addition to affordable housing – would make a development responsive to local needs?
- 4) Other Preferences
- a) Acton should convey strongly to the development community that the town prefers Local Initiative Program (LIP) comprehensive permits to conventional comprehensive permits.
  - b) The town should establish design review guidelines so developers can anticipate the design elements that local officials prefer in a higher-density project. The guidelines do not need to be overly prescriptive, but they should articulate a set of criteria or standards to guide choices made by project architects.

If the Board of Selectmen and Planning Board adopt a comprehensive permit policy, the policy statement should be interpreted and applied as formal guidelines by all town agencies that have a role in affordable housing development. In addition, when the town comments on project eligibility applications submitted to MassHousing, MassDevelopment or DHCD, the Board of Selectmen should attach the policy statement as evidence of the basis for Acton’s review.

## Zoning & Local Resources

Acton has several options to use zoning as a tool for affordable housing production, but the approach that will most likely make a difference is inclusionary zoning. Zoning bylaws with voluntary incentives to build affordable housing have been conspicuously ineffective in Massachusetts. Acton’s success at producing any affordable housing under its Affordable Housing Incentives and Overlay District bylaw is remarkable, yet the bylaw has not accomplished what local officials hoped when it was adopted in the early 1990s. For many reasons, Acton is one of the few communities that has the ingredients to succeed with inclusionary zoning: regulations that require new residential developments to include affordable units or provide them in an equivalent manner, such as off-site units, land donations to the town, or cash contributions to an affordable housing fund.<sup>32</sup> The Attorney General has recently approved inclusionary bylaws adopted by several

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<sup>32</sup> Since the developer may choose to include units in a proposed development or make an in-kind or a cash contribution to a community’s affordable housing needs, a fee in lieu of creating affordable units is not categorically a development exaction or a tax, and recent case law in Massachusetts concerning affordable housing “impact” fees does not apply, i.e., Dacey v. Town of Barnstable (2001). See Mark Bobrowski, “Bringing

suburban communities. In Massachusetts, most inclusionary bylaws trigger a special permit, but some operate as standard development regulations that apply to any residential project over a certain size. The latter is a much better model because it is transparent and predictable, which makes the permitting process clear for developers, landowners, town boards and the public.

While inclusionary zoning is in vogue, it is not without problems. In Massachusetts, cities usually allow more units per lot in developments that have to comply with inclusionary housing requirements, but a number of suburbs have opted for a zoning model that allows no increase in density. Often, suburban inclusionary bylaws work in conjunction with open space-cluster regulations, so they provide some opportunities to save development costs by siting homes close together and building shorter roads. There is a recurring debate in Massachusetts about the appropriateness or need for density bonuses to offset a reduction in development income caused by selling or renting units as affordable housing. The debate seems to parallel suburban opposition to Chapter 40B, but it raises complicated economic issues and ultimately, ideological ones.

The value of land is determined by what can be built on it. When zoning reduces development income through restrictions on sale prices, it effectively alters the value of the land itself. Proponents argue that highest and best use is ultimately a measure of development privileges established through zoning, and there are no guarantees that today's development privileges will endure in the future. Some opponents argue that private landowners should not be held responsible for the Commonwealth's failure to provide adequate affordable housing subsidies. Still others say that since higher density means more units, the need for affordable housing should outweigh the desires of small towns and suburbs to limit development – a policy position that reflects the legislature's intent when Chapter 40B was enacted in 1969.

A second concern with inclusionary zoning bylaws is the capacity of towns to implement them. In states with a history of inclusionary zoning experience, developers almost always choose to pay a fee instead of including affordable units in their projects or providing equivalent units on another site. In order to set aside and restrict the revenue generated by these fees, however, communities must establish a special revenue fund or trust fund and in Massachusetts, this requires a special act of the legislature. Communities also need a management plan for the fund: policies governing how the revenue will be used, the agencies or organizations that will have access to the revenue, who will decide how much of the fund can be spent in a given year, and so forth. These issues have been addressed, resolved and largely overcome in states such as California, Illinois, New Jersey and Maryland, but not in Massachusetts. To date, very few communities here have established an appropriate trust fund for inclusionary zoning fees and fewer still have organizational capacity to invest the revenue in affordable housing development.

A third concern involves the housing fee itself. Drawing on the experience of states with inclusionary zoning experience, the standard method of fee setting assumes that the "gap" between prevailing market prices and an affordable purchase price equals the town's net cost to provide an affordable housing unit. However, at least two towns in Massachusetts has adopted an inclusionary bylaw with a flat fee per housing unit while another decided to charge a fee equal to three times the moderate-income limit for a family of four. There must be a rational basis for any municipal fee, and

inclusionary zoning is no exception. The fee should reflect the town's cost to provide equivalent affordable housing units. In Acton, the costing formula should favor acquisition and disposition of existing dwelling units for affordable housing, not new construction. This does not mean that Acton's housing strategy should ignore new affordable units. Rather, it means the strategy should emphasize preservation and redevelopment *first*.

A final concern is the process that local officials follow to allocate and expend revenue from inclusionary zoning fees. Town meeting should have the authority to appropriate funds under a general allocation plan, but responsibility for administering the plan needs to be placed with the executive branch. Specifically, town meeting is not a suitable environment for debating whether one home or another should be purchased for an affordable housing unit; it is a suitable environment for deciding whether the town should concentrate affordable housing resources on acquiring existing homes or building new, scattered-site homes on small town-owned parcels.

With advice from the Planning Board, the Acton Community Housing Corporation and others, the Board of Selectmen should develop an annual allocation plan and present it to town meeting for approval. Furthermore, the allocation plan for inclusionary housing fees needs to be coordinated with the Community Preservation Committee, which also has resources for affordable housing. The annual allocation plan should provide not only for the types of initiatives that Acton's funding will support, but also the organizations responsible for implementing them. For example, if the Acton Community Housing Corporation proposes to sponsor a first-time homebuyer assistance program, the allocation plan would include funds for that purpose. Under the legislation that Acton adopts to create a permanent housing trust fund, the Board of Selectmen should be authorized to contract with the Acton Community Housing Corporation, the Acton Housing Authority and other potential non-profit partners.

## SMART GROWTH

State government has begun to promote Smart Growth as a policy framework. It is premature to predict whether recent initiatives from the governor's office and the legislature will culminate in Smart Growth practices at the local level, however. Unfortunately, the state's approach has not been articulated well and its goals appear to contain a number of inconsistencies. Acton is in a stronger position than most suburbs to carry out a Smart Growth housing agenda because its Zoning Bylaw already embraces a number of Smart Growth principles. Recently, the legislature reached agreement over a limited package of financial incentives to communities that produce new housing units affordable to low- or moderate-income families. Partially echoing recommendations of the Commonwealth Housing Task Force in Building on Our Heritage: A Housing Strategy for Smart Growth and Economic Development (2003), the legislation calls for a small bonus payment for each new unit created in a zoning district that meets the state's definition of Smart Growth zoning. However, the state's criteria for a qualifying district may be unworkable in many communities, including Acton. Furthermore, housing is the only aspect of "Smart Growth" that the legislation explicitly covers.

Towns like Acton that have taken a thoughtful, comprehensive approach to land use planning will need to weigh the new legislation against their own zoning principles and decide whether the incentives offered by the state are adequate and appropriate. A housing plan cannot be made sustainable if it is motivated mainly by the promise of additional state aid. Moreover, as long as

Chapter 40B remains available to developers for obtaining approval to build affordable housing, particularly rental housing, they may continue to use it simply for the protection afforded by the appeal process.

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## Recommendations

To address the needs identified in this plan, Acton should implement the following actions:

### ZONING & LAND USE

- 1) Replace the existing Affordable Housing Incentives and Overlay District bylaw (Section 4.4) with a simplified Inclusionary Housing Bylaw that requires affordable dwelling units in all residential developments of five or more homes and does not obligate the developer to seek a special permit.
  - a) Apply the Inclusionary Housing Bylaw to all zoning districts in which residential uses are allowed, and to all types of residential uses, in any development of six or more housing units.
  - b) Establish a base inclusionary requirement, e.g., 10% of all dwelling units in any project subject to the bylaw.
  - c) Offer developers a menu of choices to comply, subject to approval by the Planning Board:
    - (1) Include units in the development.
    - (2) Provide equivalent units in another location in Acton.
    - (3) Pay a fee in lieu of creating new units, the fee to be equal to the difference between an affordable purchase price as defined by DHCD's Local Initiative Program (LIP) and the median single-family home or condominium sale price for the most recent fiscal year, as determined by the Board of Assessors.
    - (4) Donate to the town a parcel of land with equivalent development capacity, restricted for affordable housing use.
  - d) Provide a density or floor area ratio bonus by special permit to encourage additional affordable units in zoning districts that allow higher-density development.
  - e) Condition the release of occupancy permits on the town's receipt of affordable unit documentation.
- 2) Consider increasing the minimum lot size for development in the R-2 District but provide a special permit option to build at the current density in exchange for the inclusion of affordable



- units in a new development, i.e., without the “buy-out” options that would be available under the Inclusionary Housing Bylaw.
- 3) Amend the Zoning Bylaw by updating the existing definitions of “affordable,” “low-income” and other terms required to implement affordable housing regulations.
  - 4) In conjunction with the Inclusionary Bylaw, establish a permanent Affordable Housing Trust fund by special act of the legislature for all revenue generated by the bylaw and any other funding sources as determined by the town, e.g., community housing funds appropriated under the Community Preservation Act.
    - a) Assign administrative responsibility for the trust fund to the Board of Selectmen, whose duties should include preparing an annual allocation plan for the expenditure of trust fund revenue, in consultation with the Planning Board.
    - b) Place authority for approving the annual allocation plan with Town Meeting.
    - c) Incorporate in the home rule petition an exemption from G.L. c.30B requirements so the town can expend trust fund revenue on contracts with the Acton Housing Authority, the Acton Community Housing Corporation, the Acton Economic Development and Industrial Corporation (EDIC), or another non-profit organization without conducting a formal procurement process for goods and services.
    - d) Limit the use of trust fund revenue to the production of dwelling units that qualify for listing on the Chapter 40B Subsidized Housing Inventory as Local Initiative Program Units. “Production” should be defined to include new unit creation, preservation of existing affordable units, reuse and conversion of existing structures, and affordable housing restrictions placed on existing dwelling units.
  - 5) Amend the Zoning Bylaw for single-family to multi-family conversions as follows:
    - a) Allow conversions by right in any zoning district in which multi-family dwellings are also allowed by right, provided that a conversion project includes at least one affordable dwelling unit.
    - b) Retain the existing special permit requirement for conversion projects that do not include affordable units.
    - c) Consider modifying the conversion-by-special permit provision for existing dwellings in a Business District so that conversions must include at least one affordable housing unit.
  - 6) Amend the Zoning Bylaw by adding a new use definition for “ECHO dwelling” and establishing ECHO units as a permitted accessory use in any zoning district in which two-family dwellings are currently allowed, as a special permitted use in all other zoning districts.
    - a) Establish an administrative site plan review process for ECHO units.
    - b) Establish minimum design standards and additional land area requirements (if any) for ECHO units.